

33.

Thereafter, on March 2, 2010, the District Court returned the record on appeal, and on March 11, 2010, the debtor filed a motion for rehearing (the “Motion for Rehearing”) in the district court [09-cv-00450-WSD Doc. No. 22] which the United States Trustee opposed [09-cv-00450-WSD Doc. No. 22].

34.

At this juncture, the Appeal is not concluded and the United States Trustee believes that his time to file a motion to dismiss under section 707(b) and to file a complaint under section 727 continues to be tolled although the docket entries on the bankruptcy court docket indicate that the Appeal is concluded. Accordingly, the United States Trustee seeks: (I) an order confirming that his time to file a motion to dismiss under section 707(b) and his time to file a complaint under section 727 continues to be tolled until the Appeal is fully concluded notwithstanding the entry on the bankruptcy court docket or, in the alternative, (ii) an order extending his time to file a motion to dismiss under section 707(b) and/or file a complaint under section 727 until 45 days after the Motion for Rehearing is heard.